



Legal Update

March 2016

An Act Relative to Substance Use, Treatment, Education and Prevention

Opioid Bill

Chapter 52 of the Acts of 2016: On March 14, 2014, the Governor signed into law **H. 4056, *An Act Relative to Substance Use, Treatment, Education and Prevention***. Most provisions of this bill are effective immediately, but sections 70-77 of the new law prescribe different effective dates for particular sections. The bill impacts policing, but also adds provisions for schools and medical professionals

Impact on Police

- ❖ Allows MPTC to provide Narcan training in Recruit & In-Service training.
- ❖ Anyone who administers Narcan in good faith will not be liable for “ordinary negligence.”

Impact on Schools

- ❖ Each public school shall have a policy regarding substance use prevention that should educate its students about the dangers of substance abuse. The policy should be posted at the beginning of the year. The policy should be filed with the Department of Education.

- ❖ There is a new screening process for schools that will be rolled out for the 2017-18 school year. Students in middle school and in high school will be verbally screened in an effort to identify students who are addicted or at risk of becoming addicted. The screening process should occur annually if resources allow for it.
 - a. Parents will be notified of the screenings at the start of the school year.
 - b. Parents can opt their child out of the screening process if they provide written notification.
 - c. Any statements made by a student during the verbal screenings are considered confidential and can only be disclosed if the student or parent or guardian of the student provides written consent. State law requires disclosure in the case of an immediate medical emergency. Any disclosures by a student cannot be used in discovery or obtained through subpoena for any civil, criminal, legislative, or administrative proceeding.
- ❖ Mandates substance abuse education as part of Driver Education. There will be a required module about addiction and addictive substances.
- ❖ Annual opioid addiction education will be integrated into high school sports training.

Impact on Medical Personnel

- ❖ 7 Day Limit on opioid prescriptions: Any first-time prescriptions for opioid drugs that are prescribed as painkillers after a surgery or an injury are limited to a 7 day supply.

Exception: A prescription can exceed the 7 day limit for patients that have cancer or chronic pain, or require palliative care. Any treatment plan that exceeds the limit must be entered into a written pain management treatment agreement and included in the patient's health record.
- ❖ There is a 7 day limit for all for all opioid prescriptions for minors.
- ❖ Allows patients to fill a lesser amount of an opioid prescription than the prescription states.
- ❖ Requires practitioners who prescribe controlled substances, except veterinarians, when obtaining or renewing their professional licenses, to complete training relative to a number of issues related to opioid addiction. The Boards of

For specific guidance on the application of these cases or any law, please consult with your supervisor or your department's legal advisor or prosecutor.

Registration for each professional license that requires this training shall develop the standards for appropriate training programs.

- ❖ Requires doctors and pharmacists to give patients information about the dangers of opioid addiction
- ❖ Requires doctors to check *Prescription Monitoring Program* each time they prescribe an addictive opioid to make sure patients are not seeking multiple prescriptions from doctors.
- ❖ Mental health professionals will have to provide a substance abuse evaluation for anyone who overdoses from an opioid within 24 hours before he or she is discharged.
- ❖ Notification requirements:
 1. Parent or a guardian must be notified if a victim under 18 overdoses;
 2. Notification of OD Victim's PCP.
- ❖ No "72 hour hold provision" allowing hospitals to involuntarily hold an overdose victim.
- ❖ Any pharmacy employees who have a substance abuse issue will have access to a rehabilitation program.

Miscellaneous Provisions

- ❖ "Warrants of apprehension" issued under G.L. c. 123, § 35, will remain active for up to 5 consecutive days, excluding days when court is closed. There will be no service of warrant unless court is in session.
- ❖ Establishes the *Drug Stewardship Program* under G.L. c. 94G, which allows for unneeded drugs to be safely discarded.
- ❖ Allows for *Statewide Centralized Substance Abuse Referral & Education System* so municipal police officers can obtain information by phone or online regarding referral to treatment for individuals seeking treatment at local police departments.
- ❖ Outlaws "powdered alcohol." Anyone who sells, manufactures, or possesses powdered alcohol will be fined not more than \$1000 and not less than \$100.

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